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UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR-08-222-WHA
)	
Plaintiff,)	STIPULATION TO EXCLUDE
)	TIME UNDER THE SPEEDY
v.)	TRIAL ACT
)	
LUKE D. BRUGNARA,)	
)	
Defendant.)	

This matter is currently set for status hearing on September 30, 2008, which was scheduled on August 19, 2008. Since that hearing, defendant has retained an independent auditor that is reviewing the discovery and calculating a tax loss figure. As the parties have previously represented, the discovery in this case is voluminous, comprising over 100,000 pages of financial data that span over ten years. In that regard, defense counsel was advised that a preliminary report would not be ready until late October, 2008. Based on the foregoing, the parties agree that additional time is needed to examine this data, which now includes information from an audit of the defendant's prior years tax returns that was recently received by the government. Consequently, the parties request that the Court continue the status hearing in this case until November ³4, 2008, and through their counsel of record, hereby stipulate and agree that the period of time until November ³4, 2008 shall be excluded under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(8)(A), (B)(ii), and (B)(iv) due to the complexity of this case, to allow

1 the defendant and his counsel reasonable time necessary for effective preparation of the defenses
2 taking into account the exercise of due diligence, and for continuity of counsel.

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5 Respectfully submitted,

6 JOSEPH P. RUSSONIELLO
7 United States Attorney

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9 Dated: September 26, 2008

/s/Thomas M. Newman
10 THOMAS M. NEWMAN
11 Assistant United States Attorney
12 Tax Division

13
14 Dated: September 26, 2008

/s/Kenneth H. Wine
15 Kenneth H. Wine
16 Attorney for Defendant

17 **ORDER**

18 This Court agrees to continue this matter and finds that the ends of justice served by
19 excluding time until November ³4, 2008, outweigh the best interests of the public and the
20 defendant in a speedy trial, because of the complexity of this case and the defendant and his
21 counsel are entitled to a reasonable time necessary for effective preparation of the defenses.

22 IT IS SO ORDERED.

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24 Dated: September 30, 2008

